

JOHN BALLARD, 84650-012

FCI Butner Med I

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Butner, NC 27509-1000

RESPONDENT Pro Se

FILED

SEP 20 2010

DENNIS P. IAWARONE, CLERK
US DISTRICT COURT, EDNC
BY RR DEP CLK

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

UNITED STATES OF AMERICA,
Petitioner,

v.

JOHN MARVIN BALLARD,
Respondent

No. 5:10-HC-2155

MOTION FOR ORDER COMPELING PETITIONER TO
DISCLOSE DISCOVERY AND/OR ORDER PROHIBITING
THE GOVERNMENT FROM INTRODUCING THE
UNDISCLOSED EVIDENCE, PLUS REQUEST FOR
PROTECTIVE ORDER OR INJUNCTION.

Respondent, John Ballard, respectfully asks this Court for an order compelling petitioner United States of America to disclose discovery and/or an order prohibiting the petitioner from introducing the undisclosed evidence. Respondent once again wishes to point out to the court that he is being forced to file this pro se as it seems that no attorney has been appointed to assist him or, if one has been, the attorney is ignoring Mr. Ballard's needs. Obviously, due to the urgent nature of this matter, Mr. Ballard is being forced to file pro se.

On August 27, 2010, Mr. Ballard drafted a letter to Seth Wood at the United States Attorney's office (the attorney of record in this action) which was posted in the mail room at FCI Butner on August 30, 2010. A copy of the letter is attached as EXHIBIT "A". The letter was an INFORMAL DISCOVERY REQUEST so that Mr. Ballard could inspect, copy, or photograph all evidence that is planned to be used against him. It is Mr. Ballard's

Contention that there is absolutely no basis for the filing certifying him as a "sexually dangerous person" and that there is absolutely no evidence supporting the government's claims in the certification leading to this action before the court.

In the INFORMAL DISCOVERY REQUEST, the government/petitioner was asked to produce the materials sought for examination by September 14, 2010, either in person or by mail. The government not only failed to comply with the request but it also failed to even acknowledge Mr. Ballard's informal request or ask for more time to produce the documents. Additionally, Mr. Ballard attempted to contact Mr. Wood by telephone prior to filing this, yet the receptionist at the U.S. Attorney's office hung up and would not accept Mr. Ballard's pre-paid call (the prison's phone system requires the call recipient to "accept" all calls - even pre-paid ones). Therefore, it has become necessary to seek this order from the court.

Additionally, Mr. Ballard asked Mr. Wood to insure that Dr. Buddy Coard and other Bureau of Prisons staff not steal any other of his property since he is acting as his own attorney in this matter. Dr. Coard has already stolen some of his legal notes but denies ever taking them even though he attempted to question Mr. Ballard about them. Dr. Coard is the individual responsible for Mr. Ballard's certification review which Mr. Ballard refused to participate in. Therefore, Mr. Ballard seeks a protective order from Dr. Coard and other Bureau of Prisons staff from any confiscation or theft of his property since he no longer will be a "prisoner." Mr. Ballard simply requests that proper procedures are employed, such as securing a search warrant justifying the need for the search, or that Mr. Ballard be present during any search. In the alternative, Mr. Ballard seeks injunctive relief from the certification until a ruling is made to determine the legitimacy of the government's allegations. As outlined in the respondent's briefs in his Motion to Dismiss, he is, and will continue to be, treated as a prisoner subject to punitive restrictions.

DATED: September 16, 2010

Respectfully submitted,
John Ballard
John Ballard,
Respondent Pro Se

CERTIFICATE OF SERVICE BY MAIL

The undersigned hereby certifies that on September 17, 2010, he served a copy of the attached:

MOTION FOR ORDER COMPELLING PETITIONER TO DISCLOSE DISCOVERY AND/OR ORDER PROHIBITING THE GOVERNMENT FROM INTRODUCING THE UNDISCLOSED EVIDENCE, PLUS REQUEST FOR PROTECTIVE ORDER OR INJUNCTION (WITH EXHIBIT A)

by placing said copy in a postpaid envelope addressed to the person hereinafter named, at the place and address stated below, which is the last known address, and by giving said envelope and contents to the Mail Room at FCI Butner Med. I in North Carolina for the United States Mail:

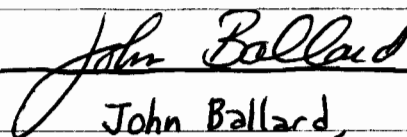
Addressee:

Seth Wood

US Attorney's Office

310 New Bern Ave., #800

Raleigh, NC 27601-1461



John Ballard,

Respondent Pro Se